

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Ronald A. Hollon Sr. DEC 14 P 2:16)

Plaintiff, DEBRA P. HACKETT, CLK

V.

CSX Transportation, Inc.,

Defendant.

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Civil Action No. 2:06-CV-1099-WKW

) Jury Demand

**Motion to Extend Time to Respond
to Defendant's Summary Judgment Motion and Brief**

Comes now Plaintiff Hollon, by and through his attorney Gary E. Atchison, and moves to extend the time by ten (10) days when Plaintiff's Brief is due in response to Defendant's Motion for Summary Judgment and Brief in support of its Motion for Summary Judgment, on the following grounds:

(1) By Order of the Honorable Court, Plaintiff's Brief in opposition to Defendant's Motion for Summary Judgment is due on December 27, 2007.

(2) Defendant attempted to send its Brief in Support of Summary Judgment to Plaintiff on November 30, 2007, but because Plaintiff's counsel does not receive pleadings electronically, it was resent by Defendant's counsel by mail and was received by Plaintiff's counsel several days later on December 4, 2007.

(3) That the law clerk and legal secretary of counsel for Plaintiff has for a substantial time, before this Honorable Court set its briefing schedule, planned to be on Christmas vacation during Christmas from December 21 to December 30, 2007, visiting his daughters in Maryland, leaving counsel without clerical assistance during this time period.

(4) That the instant action has complex procedural and substantive issues that must be legally researched before the Plaintiff's Brief in response to Defendant's Brief in Support of Summary Judgment can be written.

(5) That said extension will not cause any prejudice to any party, and a denial of said motion would be very prejudicial to the Plaintiff.

(6) That opposing counsel for the Defendant have been consulted and they have no objection to said extension.

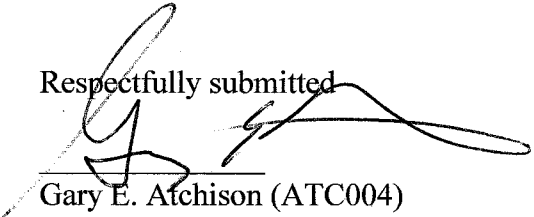
(7) During the holidays, witnesses will be difficult to be made available for affidavits which are a critical part of Plaintiff's Brief.

(8) The undersigned counsel is scheduled for a day of CLE during the period of the instant briefing schedule.

(9) That Complainant Hollon and his counsel hereby need and move for a ten (10) day extension of time for the deadline when Plaintiff's Brief is due.

Wherefore Premises Considered Complainant Hollon prays that the Honorable Court will enter an Order extending the applicable deadline for Plaintiff's Brief in response to Defendant's Brief in Support of Summary Judgment for ten (10) days.

Respectfully submitted



Gary E. Atchison (ATC004)
Attorney for
Plaintiff Ronald A. Hollon, Sr.

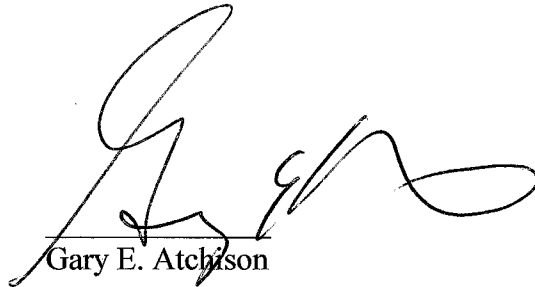
Of Counsel:
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Montgomery, AL 36102-2002
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Certificate of Service

I hereby certify that I have sent a copy of the above motion by dropping it in the US Mail, first class prepaid, to the following on the 14th day of December, 2007:

Weyman T. Johnson, Jr., Esq.
William C. Barker, Esq.

Paul, Hastings, et al., LLP
600 Peachtree Street, N.E.
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Atlanta, GA 30308



Gary E. Atchison